

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0666

SENATE JUDICIARY COMMITTEE ENGROSSED

NO. **SB187** - 2/19/97

Introduced by: Senators Whiting, Olson, Staggers, and Symens and Representatives Hunt, Cutler, DeMersseman, Duxbury, Haley, Jorgensen, and Koetzle

1 FOR AN ACT ENTITLED, An Act to increase the amount of money or damage that is under
2 the jurisdiction of small claims court and to clarify that a party may be represented by an
3 attorney in small claims or magistrate court.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 16-12A-19 be amended to read as follows:

6 16-12A-19. A magistrate court shall have concurrent jurisdiction with the circuit courts, in
7 noncontested civil actions or noncontested small claims proceedings where the amount of money
8 or damage does not exceed ~~four~~ eight thousand dollars, to take the necessary evidence and enter
9 a judgment. The effective date of the increase in the jurisdiction of magistrate court in small
10 claims proceedings is July 1, 1997, in the Sixth Judicial Circuit, and July 1, 1998, in the
11 remaining judicial circuits of this state.

12 Section 2. That § 16-12A-24 be amended to read as follows:

13 16-12A-24. Any magistrate court with a magistrate judge presiding has concurrent
14 jurisdiction with the circuit courts to try and determine all civil actions if the debt, damage, claim,
15 or value of the property involved does not exceed ~~four~~ ten thousand dollars. Any magistrate

1 court with a magistrate judge presiding has jurisdiction in small claims proceedings if the debt,
2 damage, claim, or value of the property involved does not exceed ~~four~~ eight thousand dollars.
3 The effective date of the increase in the jurisdiction of magistrate court in small claims
4 proceedings is July 1, 1997, in the Sixth Judicial Circuit, and July 1, 1998, in the remaining
5 judicial circuits of this state.

6 Section 3. A party may not be deprived of the assistance of an attorney, at the party's
7 expense, in small claims or magistrate court.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Judiciary. S.J. 215

3 2/12/97 Scheduled for Committee hearing on this date.

4 2/12/97 Deferred to another day.

5 2/15/97 Scheduled for Committee hearing on this date.

6 2/15/97 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 484

7 2/15/97 Judiciary Title Amended.